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13 UNITED STATES DISTRICT COURT
14
15 DISTRICT OF CALIFORNIA

16 CRAIG YATES,) **CASE NO. CV-12-5993-EMC**
17 Plaintiff,)
18 v.) **STIPULATION OF DISMISSAL AND**
19 100 % SWEET CAFÉ; JAMES MO-TAI) **[PROPOSED] ORDER THEREON**
20 CHAN and WENDY WAN-LI CHEN,)
21 TRUSTEES OF THE CHAN/CHEN)
22 FAMILY TRUST, U.D.T.; and DENISE O.)
23 W. LU, an individual d.b.a. 100% SWEET)
24 CAFÉ,)
25 Defendants.)
26

27 The parties, by and through their respective counsel, stipulate to dismissal of this action in
28 its entirety with prejudice pursuant to Fed.R.Civ.P.41(a)(2). Outside of the terms of the
1 Settlement Agreement and General Release (“Agreement”) herein, each party is to bear its own
2 costs and attorneys’ fees. The parties further consent to and request that the Court retain
3 jurisdiction over enforcement of the Agreement. *See Kokonen v. Guardian Life Ins. Co.*, 511 U.S.
4 375 (1994) (empowering the district courts to retain jurisdiction over enforcement of settlement
5 agreements).

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7 **STIPULATION OF DISMISSAL AND [PROPOSED] ORDER THEREON**

8 **CASE NO. CV-12-5993-EMC**

1 Therefore, IT IS HEREBY STIPULATED by and between parties to this action through
2 their designated counsel that the above-captioned action become and hereby is dismissed with
3 prejudice pursuant to Federal Rules of Civil Procedure 41(a)(2).

4 This stipulation may be executed in counterparts, all of which together shall constitute one
5 original document.

6
7 Dated: July 26, 2013

THOMAS E. FRANKOVICH
A PROFESSIONAL LAW CORPORATION

9 By: /s/ Thomas E. Frankovich
10 Thomas E. Frankovich
11 Attorneys for CRAIG YATES

12 Dated: July 28, 2013

LAW OFFICES OF JEFFREY A. CHEN

13 By: /s/ Jeffery A. Chen
14 Jeffrey A. Chen

15 Attorney for Defendants JAMES MO-TAI CHAN
16 and WENDY WAN-LI CHEN, TRUSTEES OF
17 THE CHAN/CHEN FAMILY TRUST, U.D.T.; and
DENISE O. W. LU, an individual d.b.a. 100%
SWEET CAFÉ,

18
19 **ORDER**

20 IT IS HEREBY ORDERED that this matter is dismissed with prejudice pursuant to
21 Fed.R.Civ.P.41(a)(2). IT IS FURTHER ORDERED that the Court shall retain jurisdiction for the
22 purpose of enforcing the parties' Settlement Agreement and General Release should such
23 enforcement be necessary

24
25 Dated: 7/30, 2013

26
27 Honorable Magistrate Edward M. Chen
28 UNITED STATES DISTRICT COURT

